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MITIGATED NEGATIVE DECLARATION

March 9, 2011

Project Name: Howland TPM

Project Number(s): 3200 21118 (TPM); ER 08-02-001

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
- b. Environmental Analysis Form and attached extended studies for Sight Distance, Stormwater Management, Fire Protection, Archaeology, and Geologic Reconnaissance.

1. California Environmental Quality Act Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

1. **TRANSPORTATION:** The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.
2. **BIOLOGICAL EASEMENT: [DPLU, PCC] [DPR TC, GPM] [DGS, RP] [MA, GP, IP] [DPLU, FEE X 2]. Intent:** In order to protect sensitive biological resources, pursuant to the Resource Protection Ordinance, a biological open space easement shall be granted. **Description of Requirement:** Grant to the County of San Diego and the California Department of Fish and Game by separate document, an open space easement, or grant to the California Department of Fish and Game a conservation easement, as shown on the Approved Tentative Parcel Map. This easement is for the protection of biological resources and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. Granting of this open space authorizes the County and its agents to periodically access the land to perform management and monitoring activities for the purposes of species and habitat conservation. The only exception(s) to this prohibition is:
 1. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the Uniform Fire Code and the Memorandum of Understanding dated February 26, 1997, between the wildlife agencies and the fire districts and any subsequent amendments thereto.
 2. Activities conducted pursuant to a revegetation or habitat management plan approved by the Director of Planning and Land Use, Parks and Recreation or the Director of Public Works.
 3. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the Department of Environmental Health of the County of San Diego.

Documentation: The applicant shall prepare the draft plats and legal descriptions of the easements, then submit them for preparation and recordation with the [DGS, RP], and pay all applicable fees associated with preparation of

the documents. Upon Recordation of the easements, the applicant shall provide copies of the recorded easement documents to [DPLU, PCC] for approval.

Timing: Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the easements shall be executed and recorded.

Monitoring: The [DGS, RP] shall prepare and approve the easement documents and send them to [DPLU, PCC] and [DPR TC, GPM] for preapproval. The [DPLU, PCC] shall preapprove the language and estimated location of the easements before they are released to the applicant for signature and subsequent recordation. Upon Recordation of the easements [DGS, RP] shall forward a copy of the recorded documents to [DPLU, PCC] for satisfaction of the condition.

3. LBZ EASEMENT: [DPLU, PCC] [DGS, RP][MA, GP, IP] [DPLU, FEEX 2]

Intent: In order to protect sensitive biological resources, pursuant to the Resource Protection Ordinance, a Limited Building Zone Easement shall be granted to limit the need to clear or modify vegetation for fire protection purposes within an adjacent biological resource area. **Description of Requirement:** Grant to the County of San Diego a Limited Building Zone Easement as shown on the Tentative Parcel Map. The purpose of this easement is to limit the need to clear or modify vegetation for fire protection purposes within the adjacent biological open space easement and prohibit the construction or placement of any structure designed or intended for occupancy by humans or animals. The only exceptions to this prohibition are:

1. Decking, fences, and similar facilities.
2. Sheds, gazebos, and detached garages, less than 250 square feet in total floor area, that are designed, constructed and placed so that they do not require clearing or fuel modification within the biological open space easement, beyond the clearing/fuel modification required for the primary structures on the property.

Documentation: The applicant shall prepare the draft plats and legal descriptions of the easements, then submit them for preparation and recordation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. Upon Recordation of the easements, the applicant shall provide copies of the recorded easement documents to [DPLU, PCC] for approval.

Timing: Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the easements shall be recorded. **Monitoring:** The [DGS, RP] shall prepare and approve the easement documents and send them to [DPLU, PCC] for pre approval. The [DPLU, PCC] shall preapprove the language and estimated location of the easements before they are released to the applicant for signature and subsequent recordation. Upon Recordation of

the easements [DGS, RP] shall forward a copy of the recorded documents to [DPLU, PCC] for satisfaction of the condition.

4. **OPEN SPACE SIGNAGE: [DPLU, PCC] [MA, GP, IP] [DPLU, FEE]. Intent:** In order to protect the proposed open space easement from entry, informational signs shall be installed. **Description of Requirement:** Open space signs shall be placed every 100 feet along the biological open space boundary of lots(s) 1 and 2 as indicated on the approved Open Space Exhibit dated November 14, 2008. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

**Sensitive Environmental Resources
Area Restricted by Easement**

Entry without express written permission from the County of San Diego is prohibited. To report a violation or for more information about easement restrictions and exceptions contact the County of San Diego,
Department of Planning and Land Use
Reference: TPM 21118

Documentation: The applicant shall install the signs as indicated above and provide site photos and a statement from a California Registered Engineer, or licensed surveyor, that the open space signs have been installed at the boundary of the open space easement(s). **Timing:** Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the open space signs shall be installed. **Monitoring:** The [DPLU, PCC] shall review the photos and statement for compliance with this condition.

PRE-CONSTRUCTION MEETING: (Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances.)

5. **“TEMPORARY FENCING: [DPLU, PCC] [DPW,PDCI] [PC] [DPLU, FEE]. Intent:** In order to prevent inadvertent disturbance to the biological open space easement, temporary construction fencing shall be installed. **Description of Requirement:** Prior to the commencement of any grading and or clearing in association with this grading plan, temporary orange construction fencing shall be placed to protect from inadvertent disturbance of all open space easements that do not allow grading, brushing or clearing. Temporary fencing is also required in all locations of the project where proposed grading or clearing is within 100 feet of an open space easement boundary.
1. Temporary fencing is also required in all locations of the project where proposed grading or clearing is within 100 feet of an open space easement boundary.

2. The placement of such fencing shall be approved by the DPLU, Permit Compliance Section. Upon approval, the fencing shall remain in place until the conclusion of grading activities after which the fencing shall be removed.

Documentation: The applicant shall provide evidence that the fencing has been installed and have a California licensed surveyor certify that the fencing is located on the boundary of the open space easement(s). The applicant shall submit photos of the fencing along with the certification letter to the [DPLU, PCC] for approval. **Timing:** Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances the fencing shall be installed, and shall remain for the duration of the grading and clearing. **Monitoring:** The [DPLU, PCC] shall either attend the preconstruction conference and approve the installation of the temporary fencing, or review the certification and pictures provided by the applicant.”

6. **“BREEDING SEASON AVOIDANCE: [DPLU, PCC] [DPW, PDCI] DPLU, FEE X2]. Intent:** In order to avoid impacts to nesting migratory birds, which are a sensitive biological resource pursuant to the Migratory Bird Treaty Act, breeding season avoidance shall be implemented on all plans. **Description of Requirement:** There shall be no brushing, clearing and/or grading allowed on-site during the migratory bird breeding season. The breeding season is defined as occurring between February 15 and August 31. The Director of Planning and Land Use [DPLU, PCC] may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Game, provided that no nesting or breeding birds are present in the vicinity of the brushing, clearing or grading. **Documentation:** The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition. No grading shall occur until concurrence is received from the County and the Wildlife Agencies. **Timing:** Prior to preconstruction conference and prior to any clearing, grubbing, trenching, grading, or any land disturbances and throughout the duration of the grading and construction, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. **Monitoring:** The [DPW, PDCI] shall not allow any grading in the RAA during the specified dates, unless a concurrence from the [DPLU, PCC] is received. The [DPLU, PCC] shall review the concurrence letter.”

FINAL GRADING RELEASE: *(Prior to any occupancy, final grading release, or use of the premises in reliance of this permit).*

7. **OPEN SPACE SIGNAGE: [DPLU, PCC] [DPW, PDCI] [FG, UO] [DPLU, FEE]. Intent:** In order to comply with Condition 9 pursuant to the adopted Mitigation

Monitoring and Reporting Program (MMRP) for TPM 21118, the fencing and signage shall be installed. **Description of Requirement:** The permanent open space signs shall be placed every 100 feet along the open space boundary of lots(s) 1 and 2 as shown on these plans and TPM 21118.

- a. Evidence shall be site photos and a statement from a California Registered Engineer, or licensed surveyor that the permanent walls or fences, and open space signs have been installed.
- b. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

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Reference: TPM 21118

Documentation: The applicant shall install the fencing and signage and provide the documentation photos and certification statement to the [DPLU, PCC].
Timing: Prior to the occupancy of any structure and prior to Final Grading Release ([Grading Ordinance Sec. 87.421.a.3](#)) the fencing and signage shall be installed. **Monitoring:** The [DPLU, PCC] shall review the photos and statement for compliance with this condition.

8. **"EASEMENT AVOIDANCE: [DPLU, PCC] [DPW, PDCI] [DPLU, FEE]. Intent:** In order to protect sensitive resources, pursuant to [County Grading Ordinance Section 87.112](#) the open space easements shall be avoided. **Description of Requirement:** The easement indicated on this plan is for the protection of the RPO wetland buffer zone and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. It is unlawful to grade or clear within an open space easement, any disturbance shall constitute a violation of the [County Grading Ordinance Section 87.112](#) and will result in enforcement action and restoration. **Documentation:** The applicant shall provide a letter statement to the [DPLU, PCC] stating that all Sensitive Resource Easements were avoided during the grading construction, and that no impacts or encroachment into the open space occurred. **Timing:** Prior to Final Grading Release the letter verifying the easements were not disturbed shall be submitted. **Monitoring:** The [DPW, PDCI] shall not allow any grading, clearing or encroachment into the open space easement."

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

1. SIGHT DISTANCE: [DPW, LDR] [MA]

Intent: In order to comply with the Design Standards of Section 6.1 table 5 of the [County of San Diego Public Road Standards](#), an unobstructed view for safety while exiting the property and accessing a public road from the site, and unobstructed sight distance shall be verified. **Description of requirement:**

- a. "Physically, there is two hundred ten feet (210') unobstructed sight distance in both directions along Golden Ridge Road from the existing driveway of Parcel 1 per the approved sight distance exception request letter, dated October 28, 2010."
- b. "Physically, there is two hundred ten feet (210') unobstructed sight distance in southerly direction and 132 feet unobstructed sight distance in northerly direction along Golden Ridge Road from the proposed driveway of Parcel 2 per the approved sight distance exception request letter dated October 28, 2010."
- c. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify that: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required."

Documentation: The applicant shall have a Registered Civil Engineer, a Registered Traffic Engineer, or a Licensed Land Surveyor provide a signed statement that physically, there are minimum unobstructed sight distances as detailed above, and submit them to the [DPW, LDR] for review. **Timing:** Prior to the approval of the Parcel Map the sight distance shall be verified. **Monitoring:** The [DPW, LDR] shall verify the sight distance certifications.

2. OFFER OF ROAD DEDICATION: [DPW, LDR] [MA]

Intent: In order to promote orderly development and to comply with the [Subdivision Ordinance Sec. 81.702 through Section 81.705](#), Golden Ridge Road shall be dedicated. **Description of requirement:** An offer of dedication shall be made to the County for public road purposes. As indicated below:

- a. The offer to dedicate shall include the right-of-way required to complete a thirty-foot (30') wide one-half easement width, plus the right to construct and maintain slopes and drainage improvements as required beyond the thirty-foot (30') limit along and centered within Golden Ridge Road along the boundary of the land division. The Parcel Map shall be prepared to show the offer being accepted.
- b. Any dedication, offer of dedication, or grant of right-of-way shall be free of any burdens or encumbrances which would interfere with the purposes for which the dedication or offer of dedication is required, per [Section 81.705 \(a\) of the County Code](#), at the time of recordation of the Parcel Map. All easements of any type must be plotted on the Parcel Map. Or, the affected utility company/district shall enter into a joint use agreement with the County of San Diego to the satisfaction of the County of San Diego, Director of Public Works.

Documentation: The applicant shall prepare the map as indicated above and offer the dedication to the County. **Timing:** Prior to the approval of the Parcel Map, the offer of dedication shall be made to the County on the Parcel Map. **Monitoring:** The [DPW, LDR] shall review the map for compliance with this condition. The [DPW, LDR] shall accept the offer of dedication.

3. WATER COMMITMENT: [DPW, LDR] [MA]

Intent: In order to ensure that the proposed subdivision has the required water and sewer services, and to comply with [County Subdivision Ordinance Sections 81.707](#), service commitment letter shall be provided. **Description of Requirement:** Obtain a commitment to provide water service for each parcel from the Lakeside Water District. **Documentation:** The applicant shall obtain the appropriate commitment letter from the agency referenced above and comply with any conditions of said commitment letter. The applicant shall provide the required letter of commitment to the [DPW, LDR] for review and approval. **Timing:** Prior to the approval of the Parcel Map, the applicant shall comply with this condition. **Monitoring:** The [DPW, LDR] shall review the commitment letter for compliance with this condition.

4. ANNEX TO LIGHTING DISTRICT: [DPW, LDR] [DPLU, ZONING] [UO].

Intent: In order to promote orderly development and to comply with the Street Lighting Requirements of the [County Subdivision Ordinance Section 81.706](#) the property shall transfer into the lighting district. **Description of requirement:** Allow the transfer of the property subject of this permit into Zone A of the San Diego County Street Lighting District without notice or hearing, and pay the cost to process such transfer. **Documentation:** The applicant shall pay the Zone A Lighting District Annexation Fee at the [DPLU, ZONING]. **Timing:** Prior to

approval of the parcel map, the fee shall be paid. **Monitoring:** The [DPLU, ZONING] shall calculate the fee pursuant to this condition and provide a receipt of payment for the applicant.

5. COVENANT NOT OPPOSING RID: [DPW, LDR] [MA].

Intent: In order to ensure that the proposed land division does not oppose the Road Improvement District, a covenant not to oppose shall be executed.

Description of Requirement: A covenant agreeing not to oppose the formation of a Road Improvement District (RID) shall be executed. **Documentation:** The applicant shall not oppose any RID formation or annexation in progress.

Timing: Prior to approval of the parcel map, the ongoing RID annexation shall be permitted to be completed without opposition from the proposed subdivision.

Monitoring: The [DPW, LDR] shall ensure that proposed RID annexation will not be opposed by the subdivision.

6. COST RECOVERY: [DPLU, DPW, DEH, DPR], [MA, GP, IP]

Intent: In order to comply with [Section 362 of Article XX of the San Diego County Administrative Code](#), Schedule B.5 existing deficit accounts associated with processing this map shall be paid.

Description of requirement: The applicant shall pay off all existing deficit accounts associated with processing this map. **Documentation:** The applicant shall provide a receipt to the Department of Planning and Land Use, Zoning Counter, which shows that all discretionary deposit accounts have been paid. No map can be issued if there are deficit deposit accounts. **Timing:** Prior to the approval of any map and prior to the approval of any plan and issuance of any permit, all fees and discretionary deposit accounts shall be paid.

Monitoring: The DPLU Zoning Counter shall review the receipts and verify that all DPLU, DPW, DEH, and DPR deposit accounts have been paid.

7. GRADING PLAN CONFORMANCE: [DPW, ESU] [DPR, TC PP] [GP, IP, MA]

Intent: In order to implement the required mitigation measures for the project, the required grading plan and improvement plans shall conform to the approved Conceptual Grading and Development Plan. **Description of requirement:** The grading and or improvement plans shall conform to the approved Conceptual Grading Plan, which includes all of the following mitigation measures: biological open space signage, temporary fencing, breeding season avoidance, and easement avoidance.

Documentation: The applicant shall submit the grading plans and improvement plans, which conform to the conceptual development plan for the project. **Timing:** Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the notes and items shall be placed on the plans as required.

Monitoring: The [DPW, ESU, or DPLU, BD for DPLU Minor Grading] shall verify that the grading and or improvement plan requirements have been implemented on the final grading and or improvement

plans as applicable. The environmental mitigation notes shall be made conditions of the issuance of said grading or construction permit.

8. FIRE SERVICES & AVAILABILITY [DPW, LDR] [MA]

Intent: In order to ensure that the proposed subdivision has the required fire protection services, and to comply with [County Subdivision Ordinance Sections 81.706](#), a service availability letter shall be provided and required improvements shall be made. **Description of Requirement:** Obtain a fire service availability and commitment letter from the Lakeside Fire Protection District. If the Parcel Map records after November 12, 2011, a new certification for fire service must be obtained from the Lakeside Fire Protection District. **Documentation:** The applicant shall obtain the appropriate availability letter from the agency referenced above, and comply with any conditions of said commitment letter. The applicant shall provide the required letter of commitment to the [DPW, LDR] for review and approval. **Timing:** Prior to the approval of the Parcel Map, the applicant shall comply with this condition. **Monitoring:** The [DPW, LDR] shall review the commitment letter for compliance with this condition.

ADOPTION STATEMENT: This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

on _____

Rosemary Rowan, Planning Manager
Project Planning Division

RR:BE